



The State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

April 1, 2008

The Honorable Judith Spang, Chairman  
Resources, Recreation and Development Committee  
Legislative Office Building, Room 305  
Concord, New Hampshire 03301

RE: Senate Bill 384, relative to the repair of septic systems prior to the sale of waterfront property

Dear Chairman Spang:

The Department of Environmental Services (DES) is pleased to provide testimony on Senate Bill 384, relative to the repair of septic systems prior to the sale of waterfront property. DES supports this bill as amended by the Senate in concept. However we recommend that several minor changes be considered by the Committee.

Since 1989, RSA 485-A:39 has required that persons selling waterfront property engage a permitted septic system designer to assess the septic system serving the property and provide copies of that assessment to prospective buyers. Amendments adopted in 1995 and 1996 clarified the point in the sales process when that assessment was to pass from the seller to the buyer. Requiring that the seller provide the buyer a copy of the site assessment at the time that a purchase and sales agreement is executed assures that the buyer is informed about the condition of the septic system serving a particular property.

HB 384, as amended, further clarifies the procedures for the development of site assessment forms by DES, completion of site assessments, how the site assessor should proceed when an approved plan for the septic disposal system cannot be located, and what constitutes failure. Paragraphs 4 and 5 also change the payment schedule for renewal of permits for permitted designers and installers, respectively, from annually to every two years and adds an annual continuing education requirement for permit renewal for these permitted professionals.

We recommend that Section 1, Paragraph VIII be amended to read as follows:

VIII. If the septic disposal system designer, during the course of a site assessment, discovers evidence of that there is sewage discharge on the ground surface or directly into surface waters ~~a system is in failure~~, the designer shall notify, in writing, the department and the local health officer, and shall include that information in the site assessment report.

We also recommend that Section 2, Paragraph IV be amended to read as follows:

IV. "Failure" means the condition produced when a subsurface sewage or waste disposal system does not properly contain or treat ~~or treat~~ sewage or causes ~~or threatens to cause~~ the discharge of sewage on the ground surface or directly into adjacent surface ~~or groundwaters~~ waters, or the effluent disposal area is located in the seasonal high groundwater table.

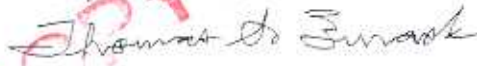
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Section 1 in part adds "rivers as defined in RSA 483-B:4, XVI(c)" to the definition of "developed waterfront property" thus adding properties along fourth order streams and higher to the coverage of the site assessment requirements. Then, Section 1 of Paragraph 6 delays implementation of this provision until January 1, 2011. We believe that this delay is not warranted because adequate outreach can occur by January 1, 2009 to ensure effective implementation of HB 384 in its entirety.

Thank you for this opportunity to comment on this bill. Please feel free to call me at 271-3503, or Mr. Rene Pelletier at 271-2951 if you have any questions or need additional information.

Very truly yours,



Thomas S. Burack  
Commissioner

cc: Senators Sgambati, Janeway, Cilley, Odell  
Representatives Wheeler, Millham, Wood, Pilliod, and Spang